<center>**REMARKS**</center>

Claims 1 and 3-50 are currently pending in the subject application and are presently under consideration. The below comments present in greater detail distinctive features of applicants' claimed invention over the cited art that were conveyed to the Examiner over the telephone on October 18, 2007 by Ronald Krosky (Reg. No. 58,564). Novel aspects of the applicants invention were conveyed to the examiner and the deficiencies with respect to the 102 and 103 rejections were focused on. However, no agreements were reached.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments herein.

I.   Rejection of Claims 10-14, 16, 17, 22, 24-26, and 28-29 Under 35 U.S.C. §102(e)

Claims 10-14, 16, 17, 22, 24-26, and 28-29 stand rejected under 35 U.S.C. §102(e) as being anticipated by Alanara *et al.* (U.S. 6,292,668 B1). This rejection should be withdrawn for at least the following reasons. Alanara *et al.* does not disclose or suggest each and every aspect set forth in the subject claims.

> A single prior art reference anticipates a patent claim only if it *expressly or inherently describes each and every limitation set forth in the patent claim. Trintec Industries, Inc. v. Top-U.S.A. Corp.,* 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California,* 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The *identical invention must be shown in as complete detail as is contained in the … claim. Richardson v. Suzuki Motor Co.,* 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (emphasis added).

Applicants' claimed subject matter relates to an active messaging system that provides interpretation and execution of an active message script that is included in a short text message received at a digital cellular telephone by radiant transmission. Specifically, independent claim 10 (and similarly independent claim 17) recites *the installed applications are executed from a phone menu at least one of in part or*

completely on the digital cellular telephone. Alanara *et al.* does not teach this novel aspect.

Alanara *et al.* relates to a system in a communication network comprising transmitting and receiving terminals being capable of supporting a plurality of application. In particular, the communication terminal receives user messages comprising data and a header relating to an application and addresses the data to an already installed application according to the header. Specifically, the applications disclosed by Alanara *et al.,* are pre –stored in a terminal or arranged into a terminal at a later stage (*See* column 7, lines 53-56). Furthermore, the system facilitates downloading a software (SIM software) onto a phone (*See* column 8, line 60), however Alanara *et al.* fails to disclose a system wherein the downloaded software can be *completely or partially executed from a phone menu.*

Applicants' claimed subject matter, in contrast, discloses a system wherein an active message script is transmitted from an active message gateway to a mobile phone, wherein a selected application associated with the active message script can be installed on the mobile phone and then executed from a phone menu. As an example, a real-time stock quote service may be installed on the mobile telephone as an application and *added to an application menu* on the mobile phone. The user when requesting stock quotes launches the application from the application menu and receives the requested stock quotes. This is significantly faster and less expensive than employing a micro-browser (*See* page 2, [0006]). Furthermore, the system as disclosed, allows a user to select an application to download from the active message gateway, by transmitting an "Install" command via an active message. In response to this, the active message gateway returns a list of available applications that the user can download. The application or service selected by the user is then transmitted to the mobile telephone as one or more active messages and installed. From this point, the application can be executed by the user within the mobile phone *from an application menu.* (*See* page 8, paragraph [0027].) Another example is an interactive guide application. The active message scripts for this application can be downloaded and installed on the mobile telephone and can be executed entirely within the mobile telephone. Downloading the script and executing the application offline saves connection charges and reliance on network connectivity.

Alanara *et al.* fails to teach or suggest a system wherein the applications that are downloaded *via* a short text message service, are executed from a phone menu at least one of in part or completely on the digital cellular telephone.

Alanara *et al.* does not teach or suggest the subject invention as recited in claims 10 and 17 (and claims 11-14, 16, 22, 24-26 and 28-29 that depend there from). Thus, it is respectfully requested that this rejection be withdrawn.

II.   Rejection of Claims 1, 3-9, 30-33, 35-39, 41-46, 49 and 50 Under 35 U.S.C. §103(a)

Claims 1, 3-9, 30-33, 35-39, 41-46, 49 and 50 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Alanara *et al.* (U.S. 6,292,668 B1) in view of Zhang *et al.* (U.S. 7,082,312 B2). This rejection should be withdrawn for at least the following reasons. Alanara, *et al.* either alone or in combination with Zhang *et al.*, does not teach or suggest every feature of the subject claims.

Applicants' claimed subject matter relates to an active messaging system that provides interpretation and execution of an active message script that is included in a short text message received at a digital cellular telephone by radiant transmission. Independent claims 1, 30 and 36 recite similar aspects, namely *the applications are executed from a phone menu at least one of in part or completely on the digital cellular telephone.* Alanara, *et al.* either alone or in combination with Zhang *et al.*, fails to teach or suggest this novel feature.

As seen from above, Alanara *et al.* fails to teach or suggest a system wherein the applications that are downloaded *via* a short text message service, are executed from a phone menu at least one of in part or completely on the digital cellular telephone. Zhang *et al.* relates to a system and method for providing information service for mobile telephones employing short message service but does not teach or suggest a system wherein applications are installed on a mobile phone *via* a short text message service and are executed from a phone menu. Thus, Zhang *et al.* does not remedy the aforementioned deficiencies presented by Alanara *et al.* with respect to independent claims 1, 30 and 36. Thus, it is respectfully requested that this rejection be withdrawn and the subject claims allowed.

III.   Rejection of Claims 15 and 27 Under 35 U.S.C. §103(a)

Claims 15 and 27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Alanara *et al.* (U.S. 6,292,668 B1) in view of Comer (U.S. 5,610,973). This rejection should be withdrawn for at least the following reasons.

Claims 15 and 27 depend from independent claims 10 and 17 respectively. Alanara *et al.* fails to disclose all aspects of independent claims 10 and 17 and does not teach a system wherein the applications that are downloaded *via* a short text message service, are executed from a phone menu at least one of in part or completely on the digital cellular telephone. Comer relates to a system and method for automatically detecting the presence of predetermined classes of mobile radiotelephones within a cellular network and interactively communicating with a registering mobile radiotelephone within such classes. Comer fails to cure the aforementioned deficiencies of Alanara *et al.* with respect to independent claims 10 and 17.

Alanara *et al.*, alone or in combination with Comer, fails to teach or suggest all features of applicants' invention as recited in independent claims 10 and 17 (and claims 15 and 27 that depend there from), and thus fails to make obvious the subject claims. Accordingly, it is respectfully requested that this rejection be withdrawn.

IV.   Rejection of Claims 18-21 and 23 Under 35 U.S.C. §103(a)

Claims 18-21 and 23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Alanara *et al.* (U.S. 6,292,668 B1) in view of Chen *et al.* (U.S. 2003/0054810 A1). This rejection should be withdrawn for at least the following reasons. Alanara *et al.*, alone or in combination with Chen *et al.*, does not teach or suggest each and every feature of the subject claims.

Claims 18-21 and 23 depend on independent claim 17. Chen *et al.* relates to a system that includes a mobile device server, which provides a message gateway to allow mobile devices that use different protocols to relay messages to each other but does not teach a system wherein applications are installed on a mobile phone *via* a short text message service and are executed from a phone menu. Thus, Chen *et al.* does not compensate for the deficiencies of Alanara *et al.* as discussed *supra*. Therefore, this rejection should be withdrawn.

V.   Rejection of Claims 34, 40, and 47 Under 35 U.S.C. §103(a)

Claims 34, 40, and 47 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Alanara *et al.* (U.S. 6,292,668 B1) in view of Zhang *et al.* (U.S. 7,082,312 B2) as applied to claims 30 and 36 above and further in view Chen *et al.* (U.S. 2003/0054810 A1). This rejection should be withdrawn for at least the following reasons. Alanara *et al.* and Zhang *et al.*, alone or in combination with Chen *et al.*, fail to teach or suggest each and every aspect of the claimed subject matter.

Claims 34, 40 and 47 depend from independent claims 30 and 36 respectively. Chen *et al.* fails to make up for the deficiencies presented by Alanara *et al.* and Zhang *et al.* with respect to independent claim 30 and 36, as discussed supra. Thus, it is respectfully requested that this rejection be withdrawn.

VI.   Rejection of Claim 48 Under 35 U.S.C. §103(a)

Claim 48 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Alanara et al. (U.S. 6,292,668 B1) in view of Zhang *et al.* (U.S. 7,082,312 B2) as applied to claims 36 above, and further in view of well known prior art (MPEP 2144.03). The cited references, alone or in combination, do not teach or suggest all aspects recited in the claims.

Claim 48 depends from independent claim 36. As discussed supra, Alanara *et al.* and Zhang *et al.* do not disclose each and every aspect set forth in independent claim 36. Furthermore, the Examiner takes official notice to the fact that it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a feature of a DeleteUser active message command data structure that deletes a user from a list. Applicants' representative respectfully traverse the aforementioned well known statements and request that the Examiner cite a reference in support of his position pursuant to MPEP 2144.03 if the rejection of the independent claims is maintained.

Based on at least the foregoing, it is respectfully requested that this rejection be withdrawn.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP682US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

Amin, Turocy & Calvin, LLP

/Himanshu S. Amin/
Himanshu S. Amin
Reg. No. 40,894

Amin, Turocy & Calvin, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731